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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,531	07/25/2003	John Harvey	030299	2906
23696	7590	12/28/2005	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,531

Applicant(s)

HARVEY, JOHN

Examiner

Julie Lieu

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed October 11, 2005.

Claims 1, 8, 17, and 24 have been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1-5, 7-10, 12-19, and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Duvall (US Patent No. 6,665,613).

Claim 17:

Duvall discloses an apparatus for providing a virtual fence for use with a delivery vehicle, the method comprising steps of:

- a. Means 1A for detecting a protection event (vehicle's new location)
- b. Means 3 for determining that the protection event is one of a plurality of activation events involving vehicle motion and not having vehicle engine dependence (that is, change in different locations); and
- c. Means 3 for activating a selected virtual fence based on the activation event.

See col. 3, lines 5-60.

Claim 18:

The Duvall system further comprises means for determining that the activation event is a sub-event (change of location among the registered location), and means for activating the selected virtual fence based on the sub-event.

Claim 19:

Duvall's system includes means, processor 1B, for activating one of a boundary fence, a perimeter fence, and a route fence based on the sub-event.

Claim 22:

The Duvall system deactivates the virtual fence based on the activation event.

Claim 24:

The rejection of claim 24 recites that rejection of claim 17. It is inherent that the Duvall system includes a computer-readable medium comprising computer-executable instruction to perform the function disclosed.

Claims 1-5:

The rejection of claims 1-5 recites the rejection of claim 17-20, except they are method claims.

Claim 7:

The rejection of claim 7 recites the rejection of claim 22, except they it is method claim.

Claim 8:

The rejection of claim 8 follows the rejection of claim 17. The Duvall system inherently includes input logic receive protection signal (e.g. vehicle motion) and fence logic operating to detect an activation event based on the protection signal.

Claims 9-10 and 14:

Art Unit: 2636

In the Duvall system, the input logic can be operator input or sensor input.

Claims 12-13 and 15:

The input logic in Duvall is a position signal and the protection signal is a position signal.

Claim Rejections - 35 USC § 103

4. Claims 6, 11, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duvall (US Patent No. 6,665,613).

Claims 11 and 20:

Duvall's system is used in a vehicle. Duvall fails to specifically disclose that the system is used in tractor/trailer vehicle. However, it would have been obvious to one skilled in the art to use the Duvall geofencing system on a tractor and trailer as desired since the function of the device would not thereby be modified. Though there is no specific disclosure in the reference about the sub-event being one that occurs when the trailer portion is unhooked from a tractor portion of a delivery vehicle, one skilled in the art would have readily recognized that it could be one of the circumstances of which the condition appears to deviate from expected standards, which would effectuate geofencing of the vehicle. One skilled in the art would activate geofencing under such circumstance as desired.

Claim 21:

The apparatus in Duvall comprises means for determining if the vehicle is moved outside the selected virtual fence. One skilled in the art would have readily recognized determining if

Art Unit: 2636

the trailer or cargo is moved outside the selected virtual fence as desired. This feature only constitutes a design choice.

Claim 6:

The rejection of claim 6 recites the rejection of claim 20, except it is method claim.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duvall (US Patent No. 6,665,613) in view of Andre et al. (US 2003/0151507).

Claim 23:

Duvall fails to disclose outputting a vehicle message that is used to control a vehicle control system. However, Andre et al. (Andre) teaches the concept of outputting a vehicle message that is used to control a vehicle control system, such as to immobilize the vehicle when it crosses a user-predefined boundary. In light of this teaching, one skilled in the art would have readily recognized applying this concept in the Duvall system because it would inhibit or limit unauthorized traveling of the vehicle outside the predefined area.

Remarks

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

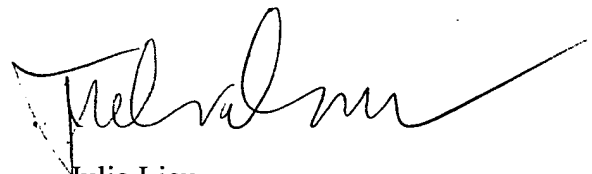
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long, sweeping horizontal stroke extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2636

Dec. 26, 05